



**Massachusetts Department of Public Health**

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## **Food Protection Program Policies, Procedures and Guidelines**

### **Guideline for the Slaughtering and Handling of Live Aquatic Animals in Retail Food Establishments**

**No: RF 3-6**

***Background:***

Live aquatic animals intended for human consumption may pose a significant foodborne hazard if safe food handling procedures are not followed during slaughtering and handling. The purpose of this policy is to provide local boards of health with criteria that should be used when evaluating such operations. The slaughtering operation is regarded as a “Specialized Processing Method” requiring a variance in accordance with the Federal 1999 Food Code, section 3-502.11. Live aquatic animals, which are normally boiled or steamed such as lobster or molluscan shellfish, do not require a variance.

***Guidelines for Receiving and Holding of Live Aquatic Animals:***

In a retail food establishment, both the physical facilities/equipment and the operating procedures must be closely evaluated. Dead, diseased or otherwise unhealthy “fish” entering a sanitary environment are unacceptable and place the environment at risk as well.

- ❑ Live aquatic animals shall be purchased from an “approved source” that complies with all applicable local, state, and federal food laws, which, in this case, means a licensed wholesaler. Proper documentation, such as sales invoices, regarding “approved source” must be maintained and available for review during an inspection. Any supplier of live aquatic animals to food establishments must be inspected under Seafood HACCP regulations or their equivalent in accordance with Seafood HACCP regulations in 21 CFR 123 Fish and Fishery Products Subpart A-General Provisions.
- ❑ Live aquatic animals must be kept alive until slaughter.
- ❑ Live aquatic animals must be slaughtered prior to sale.
- ❑ Retail and Wholesale markets that slaughter and handle live edible “fish” shall also obtain a Class 6 Dealer’s License from the Commonwealth of Massachusetts, Division of Fisheries and Wildlife (M.G.L. Chapter 131, Sections 23 and 24). An application for a Class 6 Dealers License is available from the Division of Fisheries and Wildlife, 251 Causeway Street, Suite 400, Boston, MA 02114-2014, Phone:617-626-1575.

**NOTE:** The Division of Fisheries and Wildlife exempts food service establishments (i.e., restaurants) from the requirement of obtaining a Class 6 Dealer’s License.

Containers used for the transport and storage of live aquatic animals shall be made from safe, clean, multiuse or single-service or single-use materials that do not allow the migration of deleterious substances, or impart colors, odors, or tastes to food. Multiuse containers must be cleaned and sanitized frequently enough to prevent contamination of the animals. These containers shall be stored in such a way that the contamination of food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles will not result. In addition, these containers shall not be stored in areas that are usually open for customers, such as dining and sales areas.

Dead aquatic animals shall be culled on a daily basis, or as necessary, to prevent the transfer of disease and decomposed material from one animal to another.

Live aquatic animals do not require refrigeration below 41°F, but should be held at the optimal temperature for that animal.

### **Slaughtering and Preparation**

1. Prior to slaughtering and preparation, any equipment food-contact surfaces and utensils to be used must be cleaned and sanitized in accordance with regulatory requirements.
2. Slaughtering and preparation must be conducted in a dedicated area.
3. Waste from slaughtering and/or eviscerating must be disposed of in a sanitary manner, such as in a receptacle for refuse or in a sewage disposal system.
4. Upon completion, any equipment food-contact surfaces and utensils used to slaughter must be thoroughly cleaned and sanitized before it can be used with a different type of raw animal food such as beef, other types of fish, lamb, pork or poultry. Equipment food-contact surfaces and utensils must be cleaned and sanitized each time there is a change from working with raw foods to working with ready-to-eat foods.
5. Hands must be thoroughly washed in accordance with regulatory requirements, especially when handling live “fish” and the containers that they are stored in.

### **Cooling**

Slaughtered aquatic animals that are not immediately cooked must be cooled within 4 hours to 41°F (5°C) or less, or to 45°F (7°C) as specified under ¶ 3-501.16(C) of the 1999 FDA Food Code.

### **Cooking\***

Live aquatic animals, if cooked on the premises, must reach a temperature of 145°F (63°C) for 15 seconds. [Recommend temperature of at least 165°F (74°C) for 15 seconds].

**\*Special Note: A “Consumer Advisory” is required as specified under ¶ 3-603.11 of the 1999 Food Code if the above guidelines are not met.**

### ***Public Health Rationale:***

The following guidelines are issued to ensure that live aquatic animals, which are included in the definition of “fish,” are handled in a sanitary manner during each step in the operation. They are also intended to ensure that they are obtained from approved sources and to ensure that proper documentation of the source is maintained.

The primary concern regarding live aquatic animals is that they may be carriers of harmful microorganisms that cause illness in humans, such as parasites, Salmonella and E. Coli.

Therefore, in order to prevent microbiological contamination and prevent cross-contamination, it is imperative that live aquatic animals be processed in a sanitary manner by adhering to proper sanitary procedures from the time of purchase through service to the public.

***Federal/State Regulations:***

Live aquatic animals fall under the definition of “fish” in the FDA Food Code. In accordance with 105 CMR 590.002 (B) and the Federal 1999 Food Code, Chapter 1, section 1-201.10 (B)(26), the definition of “Fish” means fresh or saltwater finfish, crustaceans and other forms of aquatic life (including alligator, frog, aquatic turtle, jellyfish, sea cucumber, and sea urchin and the roe of such animals) other than birds or mammals, and all mollusks, if such animal life is intended for human consumption. “Fish” includes an edible human food product derived in whole or in part from “fish,” including “fish” that have been processed in any manner.

Live edible fish may be allowed in retail operations in accordance with 105 CMR 590.000, section 590.008 and the Federal 1999 Food Code Chapter 6, section 6-501.115 - Prohibiting Animals, paragraph (B) which states that “Live animals may be allowed in the following situations if the contamination of food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles can not result: subparagraph (B) (1) Edible fish or decorative fish in aquariums, shellfish or crustacea on ice or under refrigeration, and shellfish and crustacea in display tank systems.”

This definition of “fish” is also in the Fish and Fishery Products regulations: 105 CMR 533.000, section 533.006 and the Federal regulation 21 CFR Part 123, section 123.3. Also, in accordance with the above mentioned sections of the Fish and Fishery Products regulations there is the definition of “Processing” which means, “with respect to fish or fishery products: handling, storing, preparing, heading, eviscerating, shucking, freezing, changing into different market forms, manufacturing, preserving, packing, labeling, dockside unloading, or holding.” However, under section (2) it states that the regulations do not apply to the operation of a retail establishment. In accordance with the Federal 1999 Food Code, Chapter 3, section 3-502.11, a food establishment shall obtain a variance from the regulatory authority as specified in section 8-103.10 and under section 8-103.11 before preparing food by a specialized processing method that is determined by the regulatory authority to require a variance.

### **Resources**

Food and Drug Administration, 2001 3rd Edition, Fish and Fisheries Products Hazards and Controls Guidance, <http://www.cfsan.fda.gov/~comm/haccp4.html>

Massachusetts Society for the Prevention of Cruelty to Animals (MSPCA), <http://www.mspca.org>

Massachusetts Division of Marine Fisheries, <http://www.mass.gov/dfwele/dmf/>

Massachusetts Division of Fisheries and Wildlife, [http://www.mass.gov/dfwele/dfw/dfw\\_toc.htm](http://www.mass.gov/dfwele/dfw/dfw_toc.htm)

## **Guideline for Evaluating the Slaughtering of Aquatic Animals at Retail**

### **Prerequisites and Standard Operating Procedure(s) (SOP's) to eliminate Cross Contamination**

- ☐ Receiving and Storage Areas separate
- ☐ Slaughtering and Preparation in a Dedicated Area.
- ☐ Cleaning and Sanitizing Procedures
- ☐ Handwashing and No Bare-Hand Contact with Ready-to-Eat (RTE) Foods Procedures

### **Hazard Analysis**

- ☐ Pathogens associated with amphibians - Salmonella, Escherichia coli, and parasites

### **Critical Control Point (CCP) Identified**

- ☐ Cooling (for aquatic animals not immediately cooked after slaughter)
- ☐ Cooking

### **Critical Limits**

- ☐ Slaughtered aquatic animals cooled to 41°F (5°C) within 4 hours or to 45°F (7°C) as specified under ¶ 3-501.16(C) of the 1999 FDA Food Code
- ☐ Cooked to 145° F (63°C) for 15 seconds; [Recommend 165°F (74°C) for 15 seconds]

### **Monitoring Procedures**

- ☐ Calibrated temperature measuring devices used to monitor cooling and cooking temperatures

### **Corrective Actions and Documentation Procedures**

- ☐ Verify corrective actions taken by operator for inadequately cooled and/or cooked frogs and turtles. (e.g. Facilitate rapid cooling if within 4 hours or discard, continue cooking to 145° F for 15 seconds; [Recommend temperature of 165°F for 15 seconds])

### **Verification Process**

- ☐ Temperature measuring devices calibrated in accordance to manufacturer's specifications as necessary to ensure their accuracy.
- ☐ Verify cooling and cooking temperatures

### **Records Maintained**

- ☐ Records - check files for invoices/sales receipts. If no records are available, require PIC to make available a list of suppliers. Require PIC to obtain a letter from supplier verifying most recent shipment. Inform PIC that records must be maintained.
- ☐ Class 6 Dealer's License, if Retail or Wholesale market, posted.
- ☐ Employee Training Records.
- ☐ Annual Review - update.